

Board of Forestry and Fire Protection

Defensible Space 2005

14 CCR 1299

Public Comment and Preliminary Responses

Last edit: 1/11/06

Executive Summary

Potential Regulation/Guideline Changes

Below are the potential proposed changes to the regulation, Guidelines, and Initial Statement of Reasons based on public input. Revisions generally address changes for clarity and enforceability, cost impacts, environmental impacts, and CEQA compliance:

1. **Provide direction for spacing requirements for “groups” of vegetation. (Comment L1- 11, L 10-16)**
2. **Minimize economic hardship by adding lower cost prescriptions that meet hazard reduction goals (edit 4b). (Comment L1- 16, L 10-16)**
3. **Clarify “defensible space definition (Comment L3-1)**
4. **Address conflicting local ordinances that have differing clearing standards. (Comment L5-5, L15-4)**
5. **Include picture or graphic of completed Chaparral setting. (Comment L5-10, L30-7)**
6. **Edit definition of “Fuels” in the guideline for 4291(a) within 30 feet. Consider SB 502 consistency. (Comment L5-11, L17-1/2, L13-1)**
7. **Add documentation to demonstrate CEQA compliance and consistency with 14 CCR 15300.4 Categorical Exemption Class 4(i). This includes documentation of routine operational practices, necessity to comply with environmental protection laws, and necessity to obtain permits when necessary for TES protection, snags retention, WLPZ/riparian vegetation protection, Scenic Highways, air quality, and archeological. Documentation should be in rule file, separate CEQA document and/or regulation or guidelines. (Comment L8-3/4, L14-3/5/6/8, L26, L32, L33)**

8. **Various grammatical and organizational text edits. (Comment L 9-1 to 25)**
9. **Guidelines § A, paragraph 3, 2nd bullet (4 to 40 feet separation in all directions) is impossible and impractical consider removal of bold text in bullet. (Comment L10-10/13)**
10. **Address homeowner responsibility for other applicable laws (ESA, air quality cultural, WDR).**
11. **Amend regulation and Guideline definition to address flammability interpretations. (Comment L25-1)**
12. **Address CEQA issue of declaration of project as a “Categorical Exemption. (Comment L26-3/7)**
13. **Evaluate and add technical documents related to cost, environmental effects, and necessity for canopy treatments, affected geographic setting to record. (Comment L26-7/8, L30)**
14. **Need to address “Take” determination based on potential adverse habitat modifications to TES species. (Comment L26-10)**
15. **Need to address large woody debris recruitment. (Comment L26-16)**
16. **Need to address definition of “ladder fuels”. (Comment L29-3, L30-3)**
17. **Need to address definition of “flammability and combustible growth”. (Comment L30-4)**
18. **Clarify graphic in Guidelines Option 4a. for spacing between trees; should be 10’ to 30’. (Comment L30-5)**

<u>Comments and Responses</u>

Comment L 1-1

Comment type: Strict spacing requirements is excessive

BOF response: Spacing requirement in reg is necessary to prevent spread of fire and is tailored to likely heat intensity produced by varying sizes of material. See plant spacing guides. Additionally, Option 4b. does not require tree spacing.

Rule Text Edit: No

Comment L 1-2

Comment type: Do not require complete vegetation removal. Retain smaller shrubs.

BOF response: Vegetation spacing requirement in reg permits retention of vegetation.

Rule Text Edit: No

Comment L 1-3

Comment type: Use SPLAT instead of 100' zone.

BOF response: Beyond scope of underlying legislative and regulatory authority.

Rule Text Edit: No

Comment L 1-4

Comment type: Spacing guidelines should not require strict spacing requirements; should be site specific.

BOF response: Guidelines permits retaining trees (Option 4b.) and reg allow alternative prescriptions agreed upon by fire official.

Rule Text Edit: No

Comment L 1-5

Comment type: Studies show that removing dense ground fuels and separation of ladder fuel is sufficient to reduce heat intensity and avoiding spread. Also thinning is unwise as it increases sunlight penetration decreasing humidity and increasing brush growth.

BOF response: Guidelines permits retaining trees (Option 4b.) and reg allow alternative prescriptions agreed upon by fire official. When Option 4a is used (trees are spaced 10-30 feet) adequate canopy cover is usually retained (particularly in the less than 20 feet spacing setting) that minimizes brush encroachment. However, the Board agrees that wider tree spacing will result in additional brush encroachment and more routine brush removal maintenance. Using Option 4b. diminishes this concern, as all overstory larger trees can be retained.

Rule Text Edit: No

Comment L 1-6

Comment type: Local Tree Ordinance require permit for cutting trees reducing chance of removal many large trees.

BOF response: Guidelines recognize need for adhering to gaining necessary permits. Local ordnances may not supercede 4291 law.

Rule Text Edit: Yes; see guideline edits section A. addressing need to obtain permits

Comment L 1-7

Comment type: Spacing guidelines for trees result in too much space between smaller trees.

BOF response: Small tree should be treated as small aerial fuels in guidelines, if it results in lesser spacing.

Rule Text Edit: no

Comment L 1-8

Comment type: Vertical spacing guidelines for small trees are less of an issue than horizontal spacing issue in comment 1-7.

BOF response: Agree with comment.

Rule Text Edit: no

Comment L 1- 9

Comment type: Supports using 3x veg height as vertical spacing guidelines instead of fixed pruning height.

BOF response: Agree with comment.

Rule Text Edit: no

Comment L 1- 10

Comment type: In less tall canopy setting, should not have strict spacing guides.

BOF response: Fuel spacing is required in all veg setting to reduce fire spread and heat intensity.

Rule Text Edit: no

Comment L 1- 11

Comment type: Spacing requirements should allow for space between “groups” of vegetation.

BOF response: Allowing groups of vegetation to be used for spacing guidelines appears to be a reasonable accomplishment of the regulation performance goal. The Board should consider text in the guidelines addressing this.

Rule Text Edit: **Yes; see guideline edits to 4a.**

Comment L 1- 12

Comment type: Spacing requirements should be different for different geographical setting

BOF response: Performance based regulation allows unique prescription to be conducted when approved by a fire official; It is not possible for a statewide regulation to prescribe vegetation treatments for every unique fuel setting throughout California.

Rule Text Edit: no

Comment L 1- 13

Comment type: Limit use of herbicides under pruned trees

BOF response: Regulation does not address the means used to remove vegetation other than state the necessity to comply with existing laws and other permitting requirements to complete the clearing. CDF does not enforce herbicide application.

Rule Text Edit: no

Comment L 1- 14

Comment type: Maintenance alternatives to herbicides should be cutting/removal or grazing.

BOF response: see1-13

Rule Text Edit: no

Comment L 1- 15

Comment type: Use SPLATS when possible

BOF response: see1-3; Board supports concept of incorporating low fuel areas into over treatment prescription when within 100 ft distance. Use of low fuel areas within 100 ft is a common sense measures not needing repeating in guidelines.

Rule Text Edit: no

Comment L 1- 16

Comment type: Enforcement of wider defensible space requirement will be an economic hardship.

BOF response: CDF recognizes that cost to homeowners could be substantial in some cases. The use of performance standards to provide flexibility for landowners to achieve adequate defensible space while minimizing cost is included in the regulation. Board finds that amendment should be made to guidelines for fuel treatment in the 0-30ft zone and in section 4b. to allow well pruned and trimmed vegetation to be retained. By allowing such additional vegetation to be retained, landowners are likely to incur less cost with implementing of the guidelines while still meeting acceptable fire hazard reduction goals

Rule Text Edit: Yes; see guideline edits to section C.1. and 4b

Comment L 1- 17

Comment type: Strict interpretation of 4291 wording will result in more logging of large trees as a means to offset hazard reduction costs.

BOF response: Board agrees that strict interpretation of PRC 4291 would result in unnecessary tree and vegetation clearing, and has created regulation to specifically address this concern.

Rule Text Edit: no

Comment L 2- 1

Comment type: Make 4290 consistent with 4291 clearing requirements.

BOF response: Beyond scope of regulation.

Rule Text Edit: no

Comment L 2- 2

Comment type: See attached document that describes how to create defensible space; it is not a bare earth policy;

BOF response: Board considered this document in its technical evaluation and incorporated standards from into the proposed guidelines.

Rule Text Edit: no

Comment L 3- 1

Comment type: Use existing regulatory definitions for “defensible space”

BOF response: Board agrees and added this to proposed regulation already. However, the defensible space definition has been identified by the general public to be confusing and should be reconsidered by the Board.

Rule Text Edit: Yes; edits made to guideline sections B. and A.; also see L9-1

Comment L 3- 2

Comment type: Use existing regulatory definitions “building and structure”.

BOF response: Board agrees and added this to proposed regulation already.

Rule Text Edit: no

Comment L 4- 1

Comment type: Wants proposed reg to state must have 100 foot clearing to property.

BOF response: Board agrees and added this to proposed regulation already.

Rule Text Edit: no

Comment L 4- 2

Comment type: Guideline adequately covers nearly every scenario of what and how much to cut.

BOF response: Board agrees and recognizes that this is an important goal to the regulation and guideline.

Rule Text Edit: no

Comment L 4- 3

Comment type: Clearing 100 feet should allow clearing onto public agency property to accomplish 100 ft clearance from private building.

BOF response: Law requires clearing to extent of property line if that distance is less than 100 ft. Adjacent landowners are not required to clear adjacent property that fall with 100 ft of their building.

Rule Text Edit: no

Comment L 5-1

Comment type: Can we/should proposed regulation be modified to require a landowner to clear his/her property to the extent it is within 100 ft of a neighbor's structure?

BOF response: This suggestion is beyond the scope of 4291 requirements, but there seems to be a need to address this issue as part of a review of the adequacy of PRC 4290/Regulation sections of 14 CCR 1270 for fire protection.

Rule Text Edit: no

Comment L 5-2

Comment type: Are there insurance-related implications for this regulation? For instance, does the power of the inspector to approve alternative practices create a liability issue?

BOF response: Insurance requirements are private business agreements not directly related to these proposals.

Rule Text Edit: no

Comment L 5-3

Comment type: If there are exceptions for ornamental specimens, as there should be, they do not appear to be contained within the text of the proposed regulation.

BOF response: The guidelines under 4a. state that one method to comply with 4291 and our new reg 1299 is to provide space between retained plants. Essentially, many individual specimens may be left if separated to reduce continuity of fuels. This is consistent with 4291 language that single specimens of ornamentals may be retained.

Rule Text Edit: no

Comment L 5-4

Comment type: It would seem that there would be significant public benefit if there existed an appeals process that was not as fully dependent upon the courts, given that going to court no doubt creates significant additional costs both for the state and the property owner. Given the BOF's lack of staff to handle appeals, can some alternate dispute resolution system be devised within existing statutory and budgetary authority?

BOF response: The current de facto appeals process is a person "appealing" to the Unit Chief to resolve disputes between the CDF inspector and the homeowner.

Rule Text Edit: no

Comment L 5-5

Comment type: Issues about county ordinances superceding 4291 clearing requirements.

BOF response: PRC 4291 statute and similar regulation under 14 CRR 1270 indicate that clearing requirements that exceed those established by the State can be adopted by local agencies. No indication that locally adopted ordinances requiring lesser clearing standards superceded State requirements. Guideline changed to state that local ordinances might require tree removals permits.

Rule Text Edit: Yes; see guideline section on need for complying with local ordinances

Comment L 5-6

Comment type: 4291 (a) requirements should be incorporated into this guidance document.

BOF response: Proposed regulation and guideline are aimed primarily at addressing 4291 (b) requirements. Some mention of necessity to comply with 4291 (a) is in the current regulation and guideline, as this is a criterion necessary for evaluating compliance with the proposed 4291 (b) performance goal (i.e. Compliance of the 4291 (b) regulation includes complying with 4291 (a)). Recommendation is to ensure the full suite of 4291 (a) and (b) requirements are included in the “educational documents” produced by the BOF or Department following adoption of the proposed regulation.

Rule Text Edit: no

Comment L 5-7

Comment type: ^{Incorporate} clarification of clearing requirements limit of 100 feet or owner’s property boundary.

BOF response: Added to proposed guideline prior to 45-Day notice.

Rule Text Edit: no

Comment L 5-8

Comment type: Incorporate mowing before 10 am as recommended treatment method.

BOF response: Proposed guideline already includes substantial precaution on use of mowers.

Rule Text Edit: no

Comment L 5-9

Comment type: Is there a governing body or another way to arbitrate the non compliance issue, other than the existing penal/court process? Suggestion was to have the BOF serve as the arbitrator. Another option to better utilize the current system where the Unit Chief will likely resolve issues with the courts being the final destination for unresolved issue.

BOF response: Use of BOF as arbitrator is currently beyond the personnel capacity of the Board.

Rule Text Edit: no

Comment L 5-10

Comment type: Some sample graphic are necessary, to make it intuitive. Need a hand out because this is complicated.

BOF response: Additional pictures of completed defensible space work for each vegetation type is being worked on and will be included in the Noticed proposed regulation. Also include in the “educational documents” produced by the BOF or Department following adoption of the proposed regulation graphics and simplified interpretations of the proposed regulation and guidelines. One possible educational option is to update the typical “Living with Fire: Guideline for the Home Owner” documents produced and distributed by Fire Safe Councils which are widely distributed.

Rule Text Edit: Yes; see added picture of completed Chaparral setting in Case Examples of guidelines.

Comment L 5-11

Comment type: Add more clarification in the definition of “Fuels” in the guideline about fuels within 30 feet. Current definition implies that non vegetation fuels (wood piles, fences) are not fuels relative to 4291 (a). Either remove all discussion of non vegetation fuels or add together in descriptions contained in 30’-100’ 4291 (b).

BOF response: Term “fuels” in the Guidelines does not including non-vegetative material for both the 0-30 and 30 -100 ft areas.

Rule Text Edit: no

Comment L 5-12

Comment type: Related issue will be air pollution control/ pollution due to compliance requirements.

BOF response: Environmental impacts related to air pollution resulting from opening burning to dispose of vegetation are disclosed in the 15 Day Notice amendments to the ISOR. The Board recognizes the regulation will likely increase burning and associated pollution. The Guidelines remind landowners that such burning has to be done in compliance with existing Air Resource Control Board, local pollution control districts, and CDF burn permitting laws and regulations. Local pollution control districts to the list of persons were informed of this proposed regulation and have responded that the activity must be conducted within local laws and permits to avoid adverse.

Rule Text Edit: **Yes; requirements to comply with air quality laws and permits added to Guidelines in section A. bullet 5.**

Comment L 5-13

Comment type: Unclear about what a structure or building is.

BOF response: Definition added by paraphrasing definition used in Health and Safety Code statues related to construction activities. The California Building Code might also have a better definition. Also see L3-2.

Rule Text Edit: no

Comment L 5-14 and 5-15

Comment type: Rules need to be clear and concise and not conflict between state and local ordinances.

BOF response: Likely State laws can be superceded when local laws are more protective. Conflicts between State laws, such as ESA and PRC 4291, need opinion.

Rule Text Edit: **Possible**

Comment L 6-1

Comment type: Draft Guidelines, Page 4, Section A. Purpose of Guidelines: I don't understand what is meant by the last sentence in the 2nd paragraph. "Fuel reduction through vegetation management is the key fundamental to creating defensible space."

BOF response: Means removing vegetation is fuel reduction and is important to creating defensible space around a home.

Rule Text Edit: no

Comment L 6-2

Comment type: Draft Guidelines, Page 6 General Guidelines under L4, 4th paragraph where it states that "Grass generally should not exceed 4 inches in height. However, grass and other forbs may be maintained less than 18 inches in height....." I presume, as we have traditionally applied, that the 4" grass height is applied within the 30 ft zone. Does the 18" limitation apply within the Reduced Fuel Zone (30 to 100')? I think that this paragraph should be further detailed/explained.

BOF response: 4-inch grass limitation should be applied in all 0 to 100 ft zones. 18-inch grass may be retained in 30 to 100 ft zone as stated.

Rule Text Edit: no

Comment L 6-3

Comment type: Page 9, Section 4b. Reduced Fuel Zone the 2nd bullet point states "remove lower limbs of trees ("prune") to at least 6 feet up to 15 feet (or the lower 1/3 branches for small trees)....." The diagram "Defensible Space retaining continuous trees" used as an example for 4b is not realistic for the context. The diagram represents an even aged stand of mature trees and not the typical uneven aged stand of mixed conifers common to California, especially the Sierra Nevada's. I would suggest a better graphic showing an uneven aged stand with small trees limbed 1/3 tree height or 6-15 ft whichever is greater, and mature trees limbed at least 15 feet of vertical separation. Furthermore, the vertical separation should be above the height of the underlying vegetation; i.e. if a grass understory of 3' the limbing height should be 9'. Most research and guides recommend pruning 3 times the height of the underlying vegetation.

BOF response: These are the requirements in the guideline under 4a. Also see L7-1 on graphic change.

Rule Text Edit: no

Comment L 7-1

Comment type: After reviewing the Proposed General Guidelines to implement the Performance Based Defensible Space Regulations, I think the confusing part is the graphic of tree stocking on page 8. I'd recommend looking at the attached paper PNW GTR-463, as I believe it has better examples pre & post stand conditions, and the situations we are trying to convey to the public.

BOF response: See L33-.5

Rule Text Edit: no

Comment L 8-1

Comment type: Although I support efforts to reduce catastrophic fires, I am opposed to the regulations or mandates as appear to be contained in PRC4291 and 14CCR2291 (which may have originated from SB1369). As a homeowner, I accept the risks of wherever my home is—a floodplain, earthquake fault, non-compliant air pollution area, contaminated ground water zone, fire hazard, etc. The risks should be dealt with (reduced) at the land-use, zoning, and permitting stage, not after the structures have been established.

BOF response: Board agrees that land use planning is one of the necessary planning tools to address fire hazard reduction and the associated affects to citizens, natural resources and fiscally prudent fire protecting activities. Technical information provided to the Board support the importance of creating defensible space to accomplish defensible space goals and the requirements of the PRC 4291.

Rule Text Edit: no

Comment L 8-2

Comment type: To have public agencies prepared to use precious resources to monitor and/or maintain “defensible space” is unrealistic and unacceptable. The scarce public resources should be directed to (a) establishing strict rules and regulations to issue (or NOT) building permits, (b) identifying and requiring fire-proof or fire-resistant building materials, and (c) educating the public regarding fire reduction practices. If the goal of these “defensible space” proposals is indeed to reduce the probability and possibility of catastrophic fires or wildfires, then at the permit level, the first “line of defense” is where the proposals will cause the least disruption and hardship, and will be the most effective.

BOF response: See L8-1

Rule Text Edit: no

Comment L 8-3

Comment type: To expand the mandate/recommendation from 30 feet to 100 feet should require a thorough review under the California Environmental Quality Act (CEQA) and possibly under NEPA. I am requesting both an Environmental Impact Report (EIR) as well as an EIS. The public should be noticed and encouraged to participate in these regulations/recommendations before any are adopted.

BOF response: The California Environmental Quality Act (CEQA) requires review, evaluation and environmental documentation of potential significant environmental impacts from a qualified project. The Board's rulemaking process was determined to be categorically exempt from environmental documentation in accordance with 14 CCR 1153(b) (1), Declaration of Categorical Exemptions and with 14 CCR 15300 Class 4 (i). The Board evaluated 14 CCR 15300.2 Exception [to determination of categorical exemption] and found the project (rulemaking) be consistent with the categorical exemption exception requirements. Landowner implementation of the regulation is not a CEQA project because there is no government permit or funding associated with the activity. The Board's rulemaking process is subject to Administrative Procedure Act requirements for regulatory action. As such, it requires public participation. The schedule hearing, notice announcement, public comment period and responses serve this requirement.

Rule Text Edit: **Yes; edit ISOR or FSOR to complete documentation of reason why the project is consistent with 14 CCR 15300.2 Categorical exemption exceptions.**

Comment L 8-4

Comment type: To “clear” 100 feet of space, according to the proposals, would devastate wildlife habitat (both avian and mammalian), cause irreparable watershed damage (run off, pollution, etc.), and create “moonscapes” from which native vegetation may never recover. Please study, investigate and provide realistic, workable alternatives to bring wildlife and other environmental impacts to less than significant.

BOF response: General evaluation of potential significant impacts indicates that significant impacts are unlikely as these projects affect limited area around existing homes. Such areas generally do not contain substantial areas of native habitats with valuable quantities of habitat components, cultural sites, or beneficial uses of water. The nature of maintenance work conducted under these regulations consists of minor alterations to vegetation and removal for the purpose of maintaining native growth around residential structures.

Analysis of potential significant environmental impacts has identified several resources that may be potentially affected as the follows:

Water Quality: Projects conducted under this regulation can result in vegetation clearing near streams and watercourse areas. One concern with vegetation removal around watercourses is reduction in stream water temperature due to reduction in riparian vegetation and overstory tree shade. Recommended guidelines for clearing will typically result in only minor amounts of large vegetation being removed, as the specifications suggest retention of well-spaced shrubs and trees, and focus on removing smaller vegetation. Another concern is soil erosion into watercourses. To mitigate this potential impact, the guidelines permit ground litter to be retained to provide protective soil cover and avoid erosion.

In cases where hazard reduction is conducted in locations where larger trees are being removed and utilized for commercial purposes, the California Forest Practice Rules (FPRs) include requirements to minimize environmental effects. These practices have been determined to be effective in avoiding significant adverse environmental impacts. Such requirements as general prohibition of operations in stream courses, no new road construction, and prohibition of operation on steep slopes are likely to minimize or eliminate impacts of the project on water quality. Generally, projects conducted in compliance with PRC 4291 have been determined by the Regional Water Quality Control Boards as acceptable for a “Categorical Waiver” from a waste

discharge permit. This indicates the low level of expected impacts to beneficial uses of water likely to result for these operations.

Fish, wildlife, and plant habitat: The projects are expected to create minor disturbance to the ground cover and understory components of the several forested, shrub and grassland habitats. The projects are intended to affect the understory components of vegetation cover, with lesser changes to overstory conditions. As such, in consultation with the Department of Fish and Game, primary concern is the understory habitat requirements. Overstory forested canopies are expected to remain intact, with little to no change in the California Wildlife Habitat Relationship size and density classification.

Understory forests conditions and ground cover conditions are expected to be modified by the project. Recommendations are incorporated in the guideline document to incorporate actions that minimize the affects to understory vegetative and special wildlife habitat elements (down logs). Such measures include retaining limited down large woody debris to maintain and enhance wildlife values, and retain screening to provide cover and shelter for wildlife. Finally, for larger scale forest operations that remove trees for commercial purposes, the FPRs contain operational requirements that have been determined to be effective in avoiding significant adverse environmental impacts to biological resources.

Public concern has been raised during the formulation of the regulation regarding conflicts between fuel hazard reduction requirements and habitat protection or State/Federal Endangered Species Act requirements. Existing endangered species laws are relevant to the action proposed and require compliance. However, many southern California local entities that have experienced catastrophic fire and significant losses to homes have negotiated Memoranda of Understanding (MOUs) or other agreements that recognized the necessity of establishing defensible space around homes as a key component to reducing wildfire and protecting species and habitat. As a result, individual MOUs and other agreements provide wildlife "take" permits to facilitate completion of the fuel hazard reduction work where critical habitat is located in the clearing areas. This cooperation demonstrates the importance of the hazard reduction towards avoiding significant impacts to biological resources and the relatively low level of risk associated to direct impacts to biological resources from the clearing projects.

The clearing requirements under this law, regulation and guidelines have been brought to the attention of the California Department of Fish and Game, the responsible agency to for considering effects of regulations proposed by the Board on the state's fish and wildlife resources. This agency has reply that the activity is not of concern to CDFG staff.

Aesthetic setting: The nature of the projects includes removal of understory vegetation that often acts a visual screen between houses or other human occupied space (roads, commercial building etc.). Loss of the screening can result in undesired visual effects on those residents in wildlands areas that value the remote setting. The fuel hazard reduction prescriptions in the Guidelines avoid visual impacts while meeting the hazard reduction objective. With the guideline providing options for incorporating screening elements via leaving well-spaced vegetation and continuous overstory canopies, there is no adverse significant impact to aesthetic settings.

The Board has incorporated the documentation of routine operational procedures and necessity to comply with law and permitting requirements that validate a level less than significant potential adverse effects on the environment.

Rule Text Edit: Yes; added environmental protection information to section A. of Guidelines related to protection of TES, snags retention, and WLPZ treatment.

Comment L 8-5

Comment type: As written “It does mean arranging the tree, shrubs and other fuels sources in a way that makes it difficult for fire to transfer from one fuel source to another” is a disingenuous statement that attempts to make one believe that fire is predictable. For structures in the most “fire-vulnerable” locations, fire paths cannot be predicted to the degree of detail this statement suggests.

BOF response: The statement is found to be correct and true that rearranging fuels make it difficult to transfer fire between fuel sources. The Board agrees that fire is random and difficult to predict its point of ignition or path, but it is very predictable in that it needs fuel, oxygen and heat to combust and known areas have higher fire frequency than others and terrain affects the spread of fire.

Rule Text Edit: no

Comment L 8-6

Comment type: Please create an advisory committee that consists of citizens as well as community leaders to evaluate the fuel loads of their area as well as the degree of risk the community/individual is willing to accept with regard to fire transfer issues.

BOF response: Public involvement in advisory committees is valuable to focus community risk assessment and establish priorities, among other things. Ample opportunities are found for this evaluation in local areas. Existing laws cannot be superceded by such evaluation.

Rule Text Edit: no

Comment L 8-7

Comment type: In addition, as eluded to in the proposal, every landscape is unique; the 100 feet of defensible space is an egregious “one-size-fits-all” unworkable attempt to reduce a risk that will need annual (if not biannual) laborious effort and create unnecessary hardship. Please consider abandoning any measurable defensible space criteria and concentrate on structure defense criteria instead (which should emphasize fire retardant building materials, land use, zoning, etc).

BOF response: See L1-4 and L 8-1

Rule Text Edit: no

Comment L 8-8

Comment type: The statement “Fuel reduction through vegetation management is the key fundamental to creating defensible space” is not necessarily true. It is only one component. The key is in the type of building materials. I believe this has been proven repeatedly in wildfires in southern California. Please change the focus from “defensible” to “fire-reducing practices” including a mandate to require the use of fire-retardant materials.

BOF response: See L 8-1

Rule Text Edit: no

Comment L 8-9

Comment type: Any proposal or recommendation is incomplete unless it addresses public warning and evacuation procedures. These proposals, if adopted as they are stated, could instill a false sense of security and result in great loss of life and property to the public. Please address evacuation procedures, including mandatory pet and animal protection. Please consider mandates that forbid pet or animal abandonment in the event of a catastrophic fire. Please provide “defensible agricultural animal” evacuation procedures to include any type of animal confinement facilities—fencing or structures.

BOF response: Evacuation s produces are particular important to the overall fire protection plan for a community. Such procedures are beyond the scope of the underlying law and proposed regulation.

Rule Text Edit: no

Comment L 8-10

Comment type: Please consider legislative review and modification of SB1369.

BOF response: While not a specific rule proposal edit, this alternative has been considered by the Board and determined to be unnecessary for achieving the defensible space goals of the PRC 4291.

Rule Text Edit: Consider this alternative as part of the ISOR update in the 15-day notice or in FSOR.

Comment L 9-1 through 25

Comment type: Various grammatical and organizational texts edit

BOF response: Will incorporate most changes.

Rule Text Edit: Yes; various edits made in guidelines.

Comment L 10-1

Comment type: The cost to homeowners will exceed the benefits and are beyond the means of most homeowners. The Board of Forestry should consider the fiscal impact on agencies and homeowners.

BOF response: See 1-16

Rule Text Edit: Yes; see guideline edits to section C.1. and 4b.

Comment L 10-1

Comment type: There are not sufficiently qualified professionals (foresters and logging operators) available to implement the proposed regulations.

BOF response: Board recognizes the lack of professionals in some locations and the resultant cost increases this will result in. However, compliance with regulation will not always require use of professional foresters or loggers to accomplish goal and meet requirements of the law.

Rule Text Edit: no

Comment L 10-2

Comment type: The proposed regulations and guidelines are open to interpretation by the inspecting official and the enforcement officer of the CDF. They are unenforceable.

BOF response: Guidelines are provide to provide criteria to evaluate meeting the regulatory requirements of 14 CCR 1299 (a) (2)

Rule Text Edit: no

Comment L 10-3

Comment type: Inspection and Enforcement Officials cannot determine property boundaries.

BOF response: This is a homeowner responsibility; approximate boundaries estimates are sufficient to meet the intent of the regulation.

Rule Text Edit: no

Comment L 10-4

Comment type: The VIP Program will lose volunteers. CDF has insufficient resources to inspect and enforce the proposed performance based regulations.

BOF response: Training of volunteers used to conduct inspections will be a required part of the educational program to be implemented by CDF following the adoption of the regulation. CDF has addressed engine staffing to address this lack of professional personnel issue and is developing a ""certification ""program for fire official, forester's and interest public individuals with the goals train person to conduct compliance inspections.

Rule Text Edit: no

Comment L 10-5

Comment type: § 1299 (a)(2): The 30 to 100 zone cannot be defined. Neither can the property ownership or the boundaries.

BOF response: See L10-3

Rule Text Edit: no

Comment L 10-6

Comment type: § 1299 (b) and (c): The fire inspection official of the authority having jurisdiction does not normally have the legal right to enter private property and inspect it.

BOF response: Rights for entry are limited but can be legally obtained when necessary.

Rule Text Edit: no

Comment L 10-7

Comment type: § 1299 (b) and (c): The guidelines and the regulations are open to the interpretation of and the subjective judgment of the fire inspection official of the authority having jurisdiction.

BOF response: See L1-12; Regulation is designed to provide flexibility for fire officials to agree upon alternate treatments; Guidelines provide criteria to limit subjective judgments.

Rule Text Edit: no

Comment L 10-8

Comment type: § 1299 (d): There are no specific procedures or performance-based standards in the guidelines.

BOF response: 1299 (a) (2) is the primary performance rule and the guidelines are examples of criteria to meet the standard.

Rule Text Edit: no

Comment L 10-9

Comment type: General Guidelines § A, paragraph 3. This paragraph correctly states that every property in California is different. The bullets do not list common practices.

BOF response: Board finds that the bullet items are common practices that should be applied across most if not all landscapes in California.

Rule Text Edit: no

Comment L 10-10

Comment type: General Guidelines § A, paragraph 3, 2nd bullet. The 4 to 40 feet separation in all directions is impossible and impractical for existing homes in the Northern Sierra to meet.

BOF response: Board agrees in some setting this space is not practical or necessary. It has created other options in the Guidelines to address this. Will consider removal of bold text in bullet.

Rule Text Edit: Yes; change made to guideline section A.

Comment L 10-11

Comment type: General Guidelines § A, paragraph 3, 4th bullet. Some property owners own the adjacent lot as a buffer to development. The guidelines are not clear if they would have to clear to 100 feet, across the property line if they owned the adjacent property.

BOF response: Landowners need to clear to required limits on property they control. Discussion of this should be included in the CDF educational program.

Rule Text Edit: no

Comment L 10-12

Comment type: General Guidelines § A. Issues such as erosion and clearances on banks; County or Homeowner Association ownership of the easement strips along roads that are within the 100 foot zone; and adjacent vacant lots within the 100 foot zone that are not covered by these proposed regulations.

BOF response: Erosion reduction is addressed adequately in A. County or homeowner association of easements needs evaluation; vacant lots are not required to be cleared per PRC 4291.

Rule Text Edit: no

Comment L 10-13

Comment type: General Guidelines § C(4a). The 4 to 40 feet horizontal separation of 4 feet to 40 feet between crowns will require substantial financial resources and the cutting of many trees. The vertical clearance of 4 to 40 feet may be attainable between groups of trees.

BOF response: Board recognizes the financial impact of removing large trees. Cost may be offset by commercial material removed. Option 4b. does not require spacing of tree crowns and will result in significant cost reductions. Also Guidelines erroneously stated that tree crowns in section 4a. required 4-40 ft spacing. This was an error and the graphic s is edited.

Rule Text Edit: Yes; see guideline section 4a.

Comment L 10-14

Comment type: Case Example of Separation between Fuels. Add a paragraph on the application of 4b. How does this case example address mature trees on residential lots within subdivisions?

BOF response: Option 4b of the guidelines permits retention of mature trees on lots. Goal of the Guideline is to provide screening and aesthetics values of large trees while removing hazardous ground and ladder fuels.

Rule Text Edit: no

Comment L 10-15

Comment type: General Guidelines § C(4b). Removal of all surface fuels greater than 4 inches in height is impractical and will subject the ground to surface runoff, sheet flow and erosion.

BOF response: Board finds that retaining surface litter is an established Best Management Practice that is effective in reducing erosion to a level that is not significant.

Rule Text Edit: no

Comment L 10-16

Comment type: General Guidelines § C(4b). A third bullet should be added to allow for grouping of trees and spacing between canopies of the groups.

BOF response: Option 4b. allows retaining all mature trees. Consideration will be given for additionally permitting retaining well-spaced understory vegetation.

Rule Text Edit: Yes; see edits to section 4b. in guidelines.

Comment L 11

Comment type: Form letter of L-8

BOF response: See L-8

Rule Text Edit: See L-8

Comment L 12

Comment type: Form letter of L-8

BOF response: See L-8

Rule Text Edit: See L-8

Comment L 13-1

Comment type: We also appreciate the enactment of Senate Bill 502, which clarifies that in both the first 30 feet and the 30 to 100 foot zone, the phrase “all flammable vegetation or other combustible growth” does not include “single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any dwelling or structure”. In our view, the flexible intent provided in SB 502 appears to be captured in the regulations proposed for the 30-100 foot zone but not in the regulations proposed for the first 30 feet.

BOF response: Board finds that the proposed regulation is consistent with SB502, but will consider clarifying PRC 4291 (a) requirements.

Rule Text Edit: **Yes; change made to guideline section C.1. and 4b.**

Comment L 13-2

Comment type: The regulations clearly define two zone with different fuels treatments. The law, however, provides equivalent treatment of flammable vegetation and combustible growth within 30 feet and from 30 feet to 100 feet from a structure, except that vegetation less than 18 inches in height need not be removed between 30 feet and 100 feet from a structure where necessary to stabilize the soil. We discourage the board from creating two regulatory zones where the law does not discriminate between the two. Instead, we recommend the regulations adopt a single standard for fuels treatment within 100 feet of a structure and note that beyond 30 feet, vegetation less than 18 inches in height need not be removed where necessary to stabilize the soil.

BOF response: Board finds imposing differing intensities of clearing standards, more intense near the home and less intensive further away are necessary to optimize hazard reduction and balance natural resource and social impacts related to implementing the clearing standards.

Rule Text Edit: no

Comment L 13-3

Comment type: Our comments for combining the two zones apply to the guidelines as well. We believe the proposed guidelines for the Reduced Fuel Zone (30 to 100 feet), with some modification, should apply throughout the 100 feet. Two standards are proposed in the guidelines for the Reduced Fuel Zone; one for open canopy and one for closed canopy. We suggested instead, a standard for well-pruned vegetation and one that is not, for greater consistency with the law. If it is necessary to include the direction to remove “all flammable vegetation”, we believe it is important to include the exemptions as specified in SB 502, not merely allude to “certain exceptions”.

BOF response: Amend guideline C. 1. and 4b. to address SB 502 requirements.

Rule Text Edit: **Yes; change made to guideline section C.1. and 4b.**

Comment L 14-1

Comment type: Law gives infringement on property rights and overreaching power to insurance companies and CDF.

BOF response: Board is implementing required statute.

Rule Text Edit: no

Comment L 14-2

Comment type: CDF operates in ignorance of constitution law, ecological principles focused on cutting brush.

BOF response: see 14-1

Rule Text Edit: no

Comment L 14-3

Comment type: Law was passed with no public input and CEQA process and will have serious environmental effects.

BOF response: see L8-3 and 8-4

Rule Text Edit: **Yes; see L8-3 and 8-4.**

Comment L 14-4

Comment type: CDF is putting landowners at risk of violating other environmental laws.

BOF response: Implementation of regulation and law does not preclude landowner responsibility for complying with other environmental protection laws, such as Endangered Species Act and Migratory Bird Treaty.

Rule Text Edit: **Yes; see edits to guidelines section A.**

Comment L 14-5 and 6

Comment type: Significant clearing in Nevada County on a steep slopes and riparian areas near a creek was not necessary because of non-fire prone plants present. Activity was observed during implementation of CFIP vegetation clearing.

BOF response: Board modified Guidelines to include documentation of routine WLPZ protection requirements as part of this regulation.

Rule Text Edit: **Yes; added information in Guidelines Section A; page 4.**

Comment L 14-7

Comment type: Clearing county r/w , is this permitted?

BOF response: Requirements for owners to treat public or private roads r/w area specific to each easement's terms.

Rule Text Edit: no

Comment L 14-8

Comment type: CDF does not have the expertise to evaluate impacts and program should be suspended until sound principles can be designed [and implemented].

BOF response: Board has a concern about how individual landowners and CDF will be capable of evaluating highly technical biological and archeological settings. In this case, educational or guideline documentation could add information on treating riparian non fire prone species and adding additional WLPZ protection requirements.

Rule Text Edit: **Yes; added information in Guidelines Section A; page 4.**

Comment L 14-10

Comment type: The term “guideline” is disingenuous as the guideline set greater power for liens and other non-compliance remedies.

BOF response: Proposed regulation 1299 provides a wide variety of treatment standards; however PRC 4291 gives legal remedies for non-compliance.

Rule Text Edit: no

Comment L 14-11

Comment type: Regulation created tremendous economic burden.

BOF response: See L1-16

Rule Text Edit: no

Comment L 14-12 and 13

Comment type: Local county is implementing its own fire plan creating many bureaucratic layers. Who takes precedence?

BOF response: Nothing in the law (PRC 4291) prevents local fire authority from adopting more strict regulations. Also, proposed 1299 (c) allows alternate types of treatment.

Rule Text Edit: no

Comment L 14-14

Comment type: Guidelines require reliance on herbicides.

BOF response: Regulation does not address the means used to remove vegetation other than state the necessity to comply with existing laws and other permitting requirements to complete the clearing. CDF does not enforce herbicide application.

Rule Text Edit: no

Comment L 14-15

Comment type: “Guidelines “do not consider ecosystem function of native plants and results in wide scale extirpation” of some species.

BOF response: Regulation does not require removal of all native vegetation to achieve compliance with the law.

Rule Text Edit: no

Comment L 14-16

Comment type: After areas are cleared there is a proliferation of non-native plants resulting in permanent colonization. The one-size fits all regulation affects biodiversity and results in more fire prone species and less none fire prone species.

BOF response: Regulation does not require removal of all native vegetation to achieve compliance with the law or removal of native species to levels that result in substantial encroachment of non-native invasive species. The Board recognizes that intensive clearing does increase the introduction of non-native species and the current guidelines briefly address the need and ways to avoid introduction of non-native species. Also see L1-5.

Rule Text Edit: no

Comment L 14-17

Comment type: CDF should instead focus on a comprehensive fire protection program that includes construction and access and other fire mitigation systems.

BOF response: See L8-1

Rule Text Edit: no

Comment L 15-1

Comment type: Concern that in SRA areas where DPA is USFS (Alpine County) USFS will not enforce regulation.

BOF response: Separate issue from regulation content; but follow up is needed.

Rule Text Edit: no

Comment L 15-2

Comment type: Urges minimum standards for undeveloped lots.

BOF response: Beyond scope of regulation.

Rule Text Edit: no

Comment L 16-1, 2, 3, and 5

Comment type: Urges protection of native plants.

BOF response: Regulations permits selective removal of vegetation.

Rule Text Edit: no

Comment L 16-4

Comment type: Insurance companies require 1500 feet of clearing and lots are smaller than that resulting in increased insurance premiums.

BOF response: Not related to terms of regulation. But follow up needed.

Rule Text Edit: no

Comment L 17-1

Comment type: 1299 (a)(1) (i.e 4291 a) could be interpreted as requiring removal of all vegetation.

BOF response: PRC 4291 (a), as a result of SB502 becoming effective in 2006, clearly indicates that not all material needs to be removed. This is reiterated in the Guidelines under suggested changes to C.1.

Rule Text Edit: Yes; see edits to section C.1. in Guidelines.

Comment L 17-2

Comment type: See text edits proposed:

BOF response: See L17-1

Rule Text Edit: no

Comment L 18-1

Comment type: If reg requires removal of all vegetation we would be against it.

BOF response: Regulation does not require complete removal of vegetation.

Rule Text Edit: no

Comment L 19-1

Comment type: Implementation of reg would result in clearing costs of \$8-25K

BOF response: see L1-16

Rule Text Edit: no

Comment L 19-2

Comment type: Are funds available from CDF to do this.

BOF response: beyond scope of regulation.

Rule Text Edit: no

Comment L 19-3

Comment type: Blanket specification of clearing overlooks variation in setting.

BOF response: see L1-5, 1-12

Rule Text Edit: no

Comment L 19-4

Comment type: Requires removals all veg and removing has wildlife impacts

BOF response: see responses to similar topic in other comments

Rule Text Edit: no

Comment L 19-5

Comment type: Rule should be part of overall fire safety plan.

BOF response: See responses to similar topic in other comments.

Rule Text Edit: no

Comment L 20

Comment type: Cost and environmental impacts.

BOF response: See responses to similar topic in other comments.

Rule Text Edit: no

Comment L 21

Comment type: Form letter of L-8

BOF response: See L-8

Rule Text Edit: See L-8

Comment L 22

Comment type: Supports reg

BOF response: See responses to similar topic in other comments.

Rule Text Edit: no

Comment L 23- 1-3

Comment type: Similar comments.

BOF response: See responses to similar topic in other comments.

Rule Text Edit: no

Comment L 24-1

Comment type: Supports reg.

BOF response: See responses to similar topic in other comments.

Rule Text Edit: no reg or Guideline change, but will add to FSOR finding.

Comment L 24-2

Comment type: Amend to more specific that rule does not apply to governmental entities.

BOF response: PRC section 4291 (i) is clear that the law applies to private entities not public entities. Will had this as a finding in the FSOR.

Rule Text Edit: See L24-1

Comment L 25 1-2

Comment type: Amend with additional definitions for material and flammable in regulation section 1299 (a) (1)

BOF response: Definition of flammable material added to guidelines section B.

Rule Text Edit: **Yes; see edits to section B. in Guidelines.**

Comment L 26-1

Comment type: will have great environmental and cost impacts; did not consider mitigation.

BOF response: see 8-4

Rule Text Edit: **Yes; added documentation of routine environmental protection information to section A. of Guidelines related to protection of TES, snags retention, and WLPZ treatment.**

Comment L 26-2

Comment type: Significant environmental impacts to TES not considered.

BOF response: see 8-4

Rule Text Edit: **Yes; added environmental protection information and necessity to comply with ESA to section A. of Guidelines related to protection of TES, snags retention, and WLPZ treatment.**

Comment L 26-3

Comment type: There is substantial evidence that adoption is not properly exempt from CEQA owing to location, cumulative effects, significant effects and Scenic Highway impacts.

BOF response: Preliminary review by the Board found the regulation and Guidelines are consistent with the requirements for a Categorical Exemption. The Board evaluated 14 CCR 15300.2 Exception [to determination of categorical exemption] and found the project (rulemaking) be consistent with the categorical exemption exception requirements. Board found that environmental protection measures incorporated into the regulation and guidelines, along with necessity of compliance with all other environmental protection laws and ordinances is not likely to result in cumulative or significant environmental effects. Designated Scenic Highway impacts were evaluated and proposed vegetation clearing requirements are found to be consistent with laws and designation evaluation criteria. The Board found that there is not likely to be an adverse change in the significant of a historical resource as clearing is required around highly developed residential setting were new significant sites are not likely to be found or disturbed. Also see L8-3.

Rule Text Edit: Yes; edit ISOR or FSOR to complete documentation of reason why the project is consistent with 14 CCR 15300.2 Categorical exemption exceptions. Technical document regarding requirements for Scenic Highways will be added to record.

Comment L 26-4

Comment type: Economic analysis is seriously flawed resulting in far greater impacts to homeowners.

BOF response: See L1-16

Rule Text Edit: Yes; see guideline edits to section C.1. and 4b.

Comment L 26-5

Comment type: Do not adopt regulations, revise after full compliance with CEQA.

BOF response: See L26-3; L8-3

Rule Text Edit: Yes; edit ISOR or FSOR to complete documentation of reason why the project is consistent with 14 CCR 15300.2 Categorical exemption exceptions.

Comment L 26-6

Comment type: Work with legislature to revise law.

BOF response: See L8-10; will include alternative as one the Board considered in ISOR.

Rule Text Edit: See L8-10

Comment L 26-7

Comment type: No analysis done to consider vegetative and geographic diversity, specially related to continuous forest subdivisions.

BOF response: Board has considered an initial analysis of the scope of the project. Further technical information provided by CDF FRAP that describes the vegetative diversity and the geographic locations of the application of the rule will be considered by the Board. This document will be added to the ISOR list of technical documents.

Rule Text Edit: Yes; add technical document to ISOR and consider relevant effects of vegetative and geographic diversity.

Comment L 26-8

Comment type: Vegetation modification will be continuous over thousands of acres in forest subdivisions in the Sierra.

BOF response: See L26-7

Rule Text Edit: See L26-7

Comment L 26-9

Comment type: Continuous acres of treatment in forest subdivisions in the Sierras will impact streams.

BOF response: See L26-7; L8-4; S1-1

Rule Text Edit: See L26-7; L8-4; S1-1

Comment L 26-10

Comment type: New soil disturbance in Santa Cruz County impaired watershed will exacerbate impacts to listed fish species and should be considered a “Take”.

BOF response: Treatments within riparian zones, particularly for watercourses listed by the various water quality control Boards as impaired, may require consultation with local water quality control board. Limited clearing has been identified as a necessary treatment and eligible for a categorical waiver from a waste discharge report by one RWQCB (Lahaton) when such work is done in consultation with the RWQCB and no mechanical equipment is used. Guidelines edited to include need to consult with professionals, obtain necessary permits, and provide general guidance for avoiding impacts to watercourses areas when implementing compliance with PRC 4291. The action is determined by the Board not to be a “Take”, as this term means the actual harm to a species, not a general degradation of habitat unless that degradation has a direct adverse impact on a species. For watercourses listed as “impaired” under the CWA, care must be given not to raise temperature above survival temp for salmon and steelhead. This occurs with canopy loss and lack of large woody debris. The other issue is fines – they impact salmon and steelhead spawning grounds. “take” would mean a direct impact that demonstrably impacts the survival/recovery of the species. There is recent case law where challenges to

projects based upon a “take” of critical habitat were overturned because no harm to a species was demonstrated.

Rule Text Edit: yes; Section A. of guidelines edited discussing need to obtain permits and direction on retaining riparian vegetation and avoiding intensive clearing (such as large tree removal, clearing all vegetation, or clearing to bare mineral soil, clearing beyond Plant Spacing Guideline recommendations) in streamcourse areas.

Comment L 26-11

Comment type: An HCP will be necessary; MOUs to authorized “Take” in other areas is flawed logic and underscores inadvisability of one size fits all regulation.

BOF response: Landowners complying with the law and regulation are not exempt from complying with all laws, including ESA and permits necessary for the action. Proposed regulation was specifically designed to not have a one size fit all prescriptive requirement and only requires compliance with a performance standard to meet a fuel hazard reduction goal stated in 1299 (a) (2). Example of San Diego County MOU was included in the ISOR to demonstrate wildlife agency concern for need to minimize fire affects on habitat and relatively low concern of potential adverse impacts resulting from clearing activities.

Rule Text Edit: Yes; edits made to Section A. of guidelines stating that ESA related permits may be required.

Comment L 26-12

Comment type: Mitigation in ISOR and rule do not lessen potential significant environmental impact.

BOF response: See L8-4

Rule Text Edit: See L8-4 and amendments to the ISOR in the 15-Day Notice.

Comment L 26-13

Comment type: Environmental benefits of reducing wildfire do not outweigh ecological costs.

BOF response: Board agrees that ecological values should not be comprised by application of fire reduction activities.

Rule Text Edit: no

Comment L 26-14

Comment type: Inexperienced or unqualified fire officials could result in overzealous interpretation resulting in large scale habitat modification.

BOF response: Regulations sets guidelines that provide CDF personnel adequate information to complete enforcement inspections that will result in less than significant environmental effects. CDF has expressed concern about the need to have personnel adequately trained to implement the regulation and has embarked on an educational program to help facilitate consistent and reasonable application of the regulation. To date, the Board is unaware of large environmental impacts resulting historical application of the PRC 4291 laws which affects clearing from 0-30 ft form a structure.

Rule Text Edit: no

Comment L 26-15

Comment type: No consideration of recruitment of large woody debris.

BOF response: Board has considered allowing existing woody debris; Further consideration should be given to recruitment through allowance for retaining low hazard snags and encouraging retention of decadent trees.

Rule Text Edit: **Yes; see edits to Section C.3.**

Comment L 26-16

Comment type: No where in the ISOR did the Board consider studies of the ecological impacts of the large scale vegetation modification. Should review Longcore 2000 study.

BOF response: Board has reviewed and considered ecological impacts addressed by Longcore paper and added it to the record. Board found that document clearly evaluates and demonstrates impacts to arthropods from the combined effects of development and fuel modifications in the Santa Monica Mountains. These impacts documented in the report are specific to the LA County local ordinances that require such things as 200 ft of fuel modification, removal of vegetation to standards greater than those required by the proposed regulation, use of irrigated plants, and removal of native vegetation and replacement with some nonnative species. The study suggests that changes in arthropod populations due to clearing standards under the LA County ordinance are a significant effect. While individual population levels clearly changed between treated and untreated areas, extrapolation of significant effects at a landscape level/watershed level is not clear. Also, there is no connection between the large scale affects of the fuel modification unrelated to development. Board found that the research was very valuable in furthering the discussion on consideration of practical fuel treatments that are consistent with ecological goals. The Board regulation has incorporated many clearing recommendations that are consistent with the study's findings on ways to minimize arthropods impacts from fuel modification. The Board's recommendations in the Guidelines that are consistent with the study's recommendations to reduce affects include not exclusively requiring irrigated fuel modification zones; not requiring introduction of non native plant species in place of native species; leaving native plants; limiting the fuel medication zone to 100 feet or less; and allowing the retention of organic debris and isolated stumps/root wads.

Rule Text Edit: No edits to reg or guidelines; added to ISOR technical document list.

Comment L 26-17

Comment type: There is substantial evidence that adoption is not properly exempt from CEQA owing to location, cumulative effects, significant effects and scenic highway.

BOF response: Board considered the routine operational practices, laws and possible permitting requirements listed in ISOR necessary for meeting the requirements of a CEQA exemption. Implementation by homeowners of routine operational practices, laws and possible permitting requirements for all the factors listed in the comment in accordance with CEQA 15300.2 is necessary to retained consistency with Cat Ex status. Specifically the CWE analysis and Scenic Highway analysis was considered to ensure that the regulation does not have significant effect and is consistent with the categorical exemption adopted by Board in 14 CCR 1153. Also see L8-4, L26-3.

Rule Text Edit: See L26-3 and amendments to the ISOR in the 15-Day Notice.

Comment L 26-18

Comment type: Fallacious premise for claim in ISOR that will not eliminate or create jobs. Vague unspecified economic benefits are not returned to homeowners who incur substantial costs for compliance.

BOF response: Board has no evidence that individual cost impact to a landowner will result in job loss or creation. Board has made a logical conclusion that the economic impact to homeowners resulting from wildfire destroying house property, vegetation and resources will likely far outweigh period costs for vegetative clearing.

Rule Text Edit: no

Comment L 26-19

Comment type: Cost estimate in ISOR are not cannot be achieved in an 8 hr day.

BOF response: Board has made an initial estimate of costs considering the wide variation of expected treatments. For those homeowners which to do intensive treatment, and when in conifer forest setting, cost for treatments and other preparatory items such as permits, will far exceed the 8hr per lot estimate. Board has found that vast majority of SRA home are in vegetative setting that are not conifer forests (80% not conifer forest) and in these cases clearing costs are likely to involve removal/cutting of dead grass which is a relatively low cost to he homeowner.

Rule Text Edit: no

Comment L 26-20

Comment type: Decrease in aesthetics due to implementation of regulation will decrease property values.

BOF response: Regulation does not require removal of all vegetation. Removal levels can be site specifically designed to retain vegetation that can result in minimum effects to scenic and aesthetics.

Rule Text Edit: no

Comment L 26-21

Comment type: Unconvinced by estimate of annual losses due to wildfire stated in ISOR because of inflation and escalation of property values.

BOF response: Estimates generated from CDF wildfire statistics are not inflation adjusted. Widely recognized information suggests that increased population growth in the state has resulted in a continuing past levels of structural losses and likeness of increasing number of structures lost, regardless of the exact dollar estimate. This estimate does not include losses from fire to other property and natural resources around homes.

Rule Text Edit: no

Comment L 26-22

Comment type: Am skeptical that losses are significant relative to collected insurance premium.

BOF response: not related to regulation.

Rule Text Edit: no

Comment L 26-23

Comment type: Dismissal of environmental and cost impacts is speculative.

BOF response: Board has not dismissed these issues, but has carefully evaluated potential impacts and incorporated documentation of, consistency with the CEQA Categorical Exemption requirements. Input from resource agencies on projects with similar actions and application of well know best management practices (for the most impactive commercial operations) are part of the basis the Board used in determining the project is unlikely to have significant environmental impacts. Cost impacts are estimated from federal research experiment station and other sources on cost of fuel treatments in forested setting. While not precisely related to cost in a home setting, generalized cost estimates are substantiated.

Rule Text Edit: no

Comment L 26-24

Comment type: One size fits all is not a suitable approach

BOF response: See L1-12 and L26-11

Rule Text Edit: no

Comment L 26-25

Comment type: Costs to environment are too high.

BOF response: see other comments

Rule Text Edit: no

Comment L 26-26

Comment type: Slightly lower insurance premiums are not worth significant decrease in property values.

BOF response: see L26-20

Rule Text Edit: no

Comment L 27-1

Comment type: Average homeowner cannot calculate slope.

BOF response: Estimates of slope as opposed to precise measurements are likely acceptable as a means of determining vegetation spacing requirements. Standard literature produced by FSC over many years has addressed simple ways for homeowners to estimate slope to precisions commensurate with the slope plant spacing guides (+/- 20% category breaks).

Rule Text Edit: no

Comment L 27-2

Comment type: Recommend slope factor be removed because of shaky consistency and will be indefensible in court.

BOF response: see 27-1.

Rule Text Edit: no

Comment L 27-3

Comment type: Measuring the spacing between brush and trees would also be difficult and time consuming for the VIP or CDF inspector, especially vertical spacing. Tape measurements might be required for evidence of a citation.

BOF response: Education and training for inspectors is a key component to implementation of regulation. CDF has expressed need and is developing a plan to implement this training

Rule Text Edit: no

Comment L 27-4

Comment type: Standing on the street or in front of the house and determining horizontal/vertical spacing in a backyard would be tough. Could an inspector actually see a potential violation that far to go into the back yard to investigate further? I heard of a comment from one of our current VIP's stating that there is no way for him to properly assess a lot using the new rules, standing on the street. He just wouldn't be able to assess the tree spacing from the road.

BOF response: Approximation of compliant treatments can likely be estimated from road. Precise measurements will not be able to be made from road. In situations where precise estimates are necessary, inspectors will evoke traditional enforcement procedures for entering property to establish violations. CDF inspectors have dealt with this in the past for the 0-30ft segment.

Rule Text Edit: no

Comment L 27-5

Comment type: Many of our mountain county landowners are elderly and on a fixed income. They will not have the funds or physical ability to treat an extra 1/2 acre of land, especially the tree spacing. In time, the 30-100 foot area might be brought up to code but it would take these people several years. Also the maintenance would be problematic to these folks. A judge might not support any citation that we write to these people.

BOF response: Law requires clearing. Board has developed flexible standards and has considered and created guidelines that balance cost on hazard reduction.

Rule Text Edit: no

Comment L 27-6

Comment type: Our VIP's are frustrated as they do not understand how the wheels of government turn. As a result we are losing a VIP's and are working extra hard to sooth the troubled minds of those that remained. I think the best way for our unit to handle this new rule would be to enforce the 30 foot as before and phase the new regulations in over the next 3-4 years so people will have time meet the new standards.

BOF response: Law requires clearing and is currently in effect. Fire authorities have discretion on implementation rate, compliance methods, and educational outreach to phase in guidelines and increase compliance.

Rule Text Edit: no

Comment L 28-1

Comment type: Supports need for defensible space requirements in general and want to make sure regulation is reasonable.

BOF response: Board believes these requirements are met in the regulation.

Rule Text Edit: no

Comment L 29-1

Comment type: Although I support the concept of performance based guidelines to educate citizens on their fuel reduction responsibilities around their home and property, I am concerned that the adoption of General Guideline 4b is misleading and sends the public a message of false security relative to protecting their families and property during a high wind driven fire event. Ample evidence exists that clearly demonstrates the importance of reducing surface, ladder and canopy fuels in order to stop catastrophic crown fires that burn into the reduced fire zone from the adjoining property.

BOF response: Opportunity to treat canopy fuels is included in regulation. In balancing environmental and aesthetic effects consideration, option 4b provides a treatment that was determined by the board through modeling and in technical literature to be adequately effective in treating fuel hazards.

Rule Text Edit: no

Comment L 29-2

Comment type: The assumption that the removal of surface fuels greater than 4 inches in height and the pruning of trees will protect a home from an oncoming crown fire in a closed canopy situation is incorrect. Scientific studies from both the Cerro Grande and Blacks Mountain forest fires have proven that in extreme windy conditions surface fuels have less influence on fire behavior and intensity than canopy fuels. In other words, under the right conditions, crown fires can be carried through closed canopy stands in the 70 feet Reduced Fuel Zone irregardless if the surface fuels have been treated or not.

BOF response: See L29-1

Rule Text Edit: no

Comment L 29-3

Comment type: I suggest that the horizontal and vertical clearance requirements of 4a be the only standards (rule of thumb) for all regions of the state. I also suggest that you modify the definitions to include Ladder Fuels that grown in between surface and aerial fuels. The interpretation of high, medium and low brush, shrubs and trees is a bit confusing.

BOF response: Should consider definition for ladder fuels. Existing aerial definitions are taken from standard fire hazard professional literature.

Rule Text Edit: **Yes; ladder fuel definition added to section B. See L29-1 regarding 4a as only standard for treatment.**

Comment L 30-1

Comment type: As stated in my earlier comments I am concerned that the General Guideline 4b – Reduced Fuel Zone: Defensible Space with Continuous Tree Canopy is sending the wrong message to the homeowner. Although these guidelines may prevent a surface fire from initiating into a crown fire in the reduced fuel zone, they will do little to stop a crown fire that is burning into the reduced fuel zone from adjoining properties.

BOF response: see L29

Rule Text Edit: no

Comment L 30-2

Comment type: Although treating surface and ladder fuels are important to prevent “initiation” of crown fires within the reduced fuel zone, they are only window dressing if the crown fuels are not reduced to the spacing standards shown in rule 4a. Erik Martinson and Philip Omni in their Performance of Fuel Treatments Subjected to Wildfire clearly demonstrate that the safest project is one that treats the total fuel profile zone (surface, ladder and canopy fuels) in its entirety and that under extreme wind conditions the treatment of only surface and ladder fuels have less influence on fire behavior and intensity than canopy fuels.

BOF response: see L 29

Rule Text Edit: no

Comment L 30-3

Comment type: Include a definition for “ladder fuels” because you use the term at the top of page 7.

BOF response: Term likely needs more clarification.

Rule Text Edit: See L29-3

Comment L 30-4

Comment type: Include a definition for “flammable vegetation” and “combustible growth”.

BOF response: Term likely needs more clarification.

Rule Text Edit: Yes, see section B.

Comment L 30-5

Comment type: What are the “certain exceptions” referenced on page 4 under General Guideline 1.

BOF response: Law states exceptions (single ornamental species etc).

Rule Text Edit: no

Comment L 30-5

Comment type: Horizontal clearance differences need to be clarified between the text in the schematics at the bottom of page 5 and the distances shown in the Plant Spacing Guidelines at the bottom of page 6. The schematics show a minimum distance between tree crowns of 4 feet and the guidelines table shows 10 feet on slopes under 20%. The same conflict exists for the maximum distances, 40 feet in the schematics and 30 feet in the guideline tables on slopes greater than 40%.

BOF response: Need to Change

Rule Text Edit: Yes see section 4a.

Comment L 30-6

Comment type: The picture in the center of page 6 is from the Hungry Defensible Fuel Profile Zone project on the Plumas National Forest and the caption should be changed to read “Effective Vertical and Horizontal Separation between Fuels”.

BOF response: Term likely needs to be added.

Rule Text Edit: **Yes, see section 4a.**

Comment L 30-7

Comment type: You need to include a sample picture in the South Coast Chaparral section on page 7.

BOF response: Agree

Rule Text Edit: **Change pending to Case Example in guidelines.**

Comment L 31-1

Comment type: Guidelines are silent on protecting sensitive habitat, such as riparian zones and known TES.

BOF response: See L8-4

Rule Text Edit: **Yes; added information in Guidelines Section A; page 4.**

Comment L 31-2

Comment type: Particularly concerned about fuel reduction near watercourses leading to disruption of riparian zones, and large amount of bare soil.

BOF response: See L8-4 and S1

Rule Text Edit: **Yes; added information in Guidelines Section A; page 4.**

Comment L 31-3

Comment type: BOF should work with CDFG and Water Boards to refine guidelines as they relate to watercourses and sensitive habitat.

BOF response: Board has notified agency of proposal and additionally contact CDFG BOF representative for documentation of concerns. Only response to date was public comment form NCRWQQCB representation regarding possible need to comply with TMDL impaired watercourse requirements as uniquely required by each clearing situation

Rule Text Edit: Board has incorporated into the Guidelines information that homeowners implementing guidelines must comply with all laws, permitting requirements and should contact local professionals when in doubt about special project requirements.

Comment L 32-1

Comment type: Implementation of this regulation may generate significant air emissions and may result in the reduction of air quality in the San Joaquin Valley.

BOF response: All clearing is required by law. Regulation does not in itself result in these potential effects. Guidelines address need to conducted activities consistent with air quality law and permits. When done in compliance with laws and other regulatory permits, if necessary, no significant impacts are expected. End result of projects implementation is likely to result in net decrease in emission of reduction in fuels has a direct relationship to reducing acreage of wildfire which emits an uncontrolled quantity of pollutants.

Rule Text Edit: no

Comment L 32-2

Comment type: Potential significant air quality effects were not discussed in the ISOR. Method of disposal vegetation will be important part any adversely effects on local region la air pollution.

BOF response: Guidelines address the need to conducted activities consistent with air quality law ands permits, but ISOR did not. Such discussion will be added to an updated ISOR or FSOR.

Rule Text Edit: no; see L32-1; **Add discussion in updated ISOR or FSOR.**

Comment L 32-3

Comment type: Because more vegetation will be removed as result of the performance standard it is likely that vegetation will be burned and therefore will result in increased emissions that could degrade air quality.

BOF response: see L32-1

Rule Text Edit: no;

Comment L 32-4

Comment type: Reducing emissions from open burning should utilize no opening burning alternatives such as biomass.

BOF response: BOF agrees with benefits of alternative disposal methods.

Rule Text Edit: no

Comment L 32-5

Comment type: Use of biomass mass methods may result in vehicular emissions, the public still benefits by having vegetation removed from their property on any day instead of just burn days.

BOF response: see L32-4

Comment L 33-1

Comment type: In reviewing public and CDF operational Unit comments, CDF recommends addressing concerns about environmental impacts resulting from implementation of the guidelines, cost impacts to those complying with guidelines, and editorial and graphic revisions needed to improve clarity.

BOF response: see other comments

Rule Text Edit: **yes; see Guideline edits throughout document.**

Comment L 33-2

Comment type: Incorporate spacing requirements for “groups” of vegetation (Guideline Section 4a.).

BOF response: see other comments

Rule Text Edit: **yes; see Guideline edits Section 4a.**

Comment L 33-3

Comment type: Add picture or graphic to chaparral setting case example. Also, delete the term *South Coast* as the case example applies to many regional chaparral settings. (Guideline page 7).

BOF response: see other comments

Rule Text Edit: **yes; see Guideline section 4a. Case Examples**

Comment L 33-4

Comment type: Clarify term *Fuels* in the Guidelines to specify that fuels under 4291(a) do not include non-vegetative material. Also, add sentence to clarify that 4291(a) does not include “single specimens of trees or other vegetation that is well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a dwelling or structure”. This change is necessary to provide consistency with amendments made to PRC 4291 by SB 502 in 2005 (Guideline page 5, C.1.).

BOF response: see other comments

Rule Text Edit: yes; see edits to Guideline in section C.1.

Comment L 33-5

Comment type: Replace graphic depicting defensible space with continuous tree canopy under Option 4b. Graphic needs to better represent clearing option requirements that allow retention of isolated single specimens and varying sizes of larger retained trees (Guideline 4b.).

BOF response: Board found that the graphic accurately depicted desired post treatment condition. Suggested graphic noted in L7-1

Rule Text Edit: no

Comment L 33-6

Comment type: Add environmental protection mitigation, or documentation of rule consistency, related to Threatened and Endangered Species, snag retention, watercourse values, Designated Scenic Highways and archeological /cultural values (Guideline page 4, section A.). Specifically, amend prescriptions in Option 4b to allow retention of single specimens of trees or other well prune and maintained vegetation when necessary to address public resource protection needs. Also, clarify homeowner responsibility for compliance with other applicable laws such as Endangered Species Act, air quality, cultural, and Clean Water Act (Guidelines, section A.).

BOF response: see other comments in L8-4

Rule Text Edit: **yes; see Guideline edits section A., and 4b.**

Comment L 33-7

Comment type: Incorporate various grammatical and organizational texts edits (throughout Guideline, see public comments from Letter #9).

BOF response: see other comments

Rule Text Edit: **yes; see various section of Guideline**

Comment L 33-8

Comment type: Clarify graphic in Guidelines, Option 4a., for spacing between trees; should be 10' to 30'.

BOF response: Board agrees; that recommended tree spacing is 10-30 feet, not 4-40 ft. This edit adds consistency to guideline section on "Plan Spacing Guidelines".

Rule Text Edit: **yes; see Guideline edit section 4a.**

Comment S1

Comment type: Clearing in riparian corridor is an issue with TMDL waiver; development status of treating riparian area.

BOF response: Treatments within riparian zones, particularly for watercourses listed by the various water quality control Boards as impaired, may require consultation with local water quality control Board. Such clearing has been identified as a necessary treatment and eligible for a categorical waiver from a waste discharge report by one RWQCB (Lahaton) when such work is done in consultation with the RWQCB and no mechanical equipment is used. Guidelines should include need to consult with professionals, obtain necessary permits, and provide general guidance for avoiding impacts to watercourses areas when implementing compliance with PRC 4291.

Rule Text Edit: yes; Add to Section A. of guidelines discussing need to obtain permits and direction on retaining riparian vegetation and avoiding intensive clearing (such as large tree removal, clearing all vegetation, or clearing to bare mineral soil, clearing beyond Plant Spacing Guideline recommendations) in streamcourse areas.

Comment S2-1

Comment type: Issue is make clear compliance with other laws and to state that landowners who go into riparian zones could result in violation of law and permits; TES issue needs to be taken into account when known. Existing laws must be complied with.

BOF response: See S1

Rule Text Edit: Yes; see S1

Comment S2-2

Comment type: Should not rush renoticing.

BOF response: BOF has voted to continue hearing from 12/13/05 to January or February 2006 as necessary to ensure proper input and deliberation is given to adopted regulation, if any.

Rule Text Edit: no

Comment S3-1

Comment type: Issues are environmental impacts and cost burden;

BOF response: see responses in L8

Rule Text Edit: **See L8-3 and 8-4**

Comment S3-2

Comment type: Note contradiction in CDF FRAP acres (data sheet submitted by FRAP at hearing 12/13/05). Many lots in Arnold, in terms of thousands within 4 miles of town center. Lot size not represented in FRAP table; will impose clearing on thousands of acres;

BOF response: BOF agrees that thousands of high density urban –like lots in many mountain communities are not in the FRAP list. FRAP list was developed to identify number of lower densities lots, up to 1 ac in size, that will require clearing to determine scope of project. These are the parcels that most closely relate to wildland condition. BOF has already established the total number of parcels in entire SRA (811,000 thousand).

Rule Text Edit: no

Comment S3-3

Comment type: Issue is effects on watershed issue. Santa Cruz county has disturbance would have watercourse impacts on TES species.

BOF response: see S1

Rule Text Edit: **Yes see S1.**

Comment S3-4

Comment type: Conflicting premises for response to L 8-4: Ground cover impacts are minor but activity will be significant. Results in cumulative impact not addressed.

BOF response: ISOR recognizes that the bulk of the vegetation disturbance will be to the ground or surface fuels. Treatment of this vegetative setting is critical for accomplishment of goal of hazard reduction. Treatments to ground cover consistent with the guidelines and other permits (as needed) is not likely to result in potential significant environmental impacts. No impact is likely because guidelines recommend homeowner to consider environmental protection as part of treatment. Also, guidelines permit retaining surface litter and riparian vegetation to avoid erosion, do not require removal of all standing vegetation, and must comply with other water quality or TES permits as necessary to avoid significant effects on natural resources.

Rule Text Edit: no

Comment S3-5

Comment type: Review SRA and endangered species issues. Look at county by county of each issue/species;

BOF response: Compliance with TES and other laws is homeowner responsibility. Recognizing that this is burdensome task, some counties have created MOUs to coordinate habitat and species needs with hazard reduction laws.

Rule Text Edit: no

Comment S3-6

Comment type: Contradiction to L26-19 response. Should say that non conifer lands portion is largest; Coniferous forest is 20 %, not 10% as stated; numbers do not drill down to smaller parcels. Wants more in depth public review of potential impacts;

BOF response: BOF agrees that a mistake was in interpreting FRAP data on parcels by land cover type. Consider forests cover 20% of parcels up to one acre that are not classified as Urban. BOF disclosed total number of parcels affected, demonstrating that about 50% have are urbanized. Potential impacts have already been discussed in other responses.

Rule Text Edit: no to regulation changes; public response will be changed.

Comment S3-7

Comment type: Supports comment regarding modifying options onto 4b. Without modifying 4b to provide small surface fuels would have an impact;

BOF response: BOF to consider allow in guidelines Option 4b to retain “well pruned and trimmed” fuels that are well spaced. This will be consistent with new legislative amendments to PRC 4291 from SB 502.

Rule Text Edit: yes; Guideline Option 4B

Comment S3-8

Comment type: Contradiction with response to L8-14; well-spaced vegetation is not consistence with aesthetics.

BOF response: BOF disagrees; retaining vegetation adds aesthetics versus strict interpretation of law which requires removal of all flammable vegetation. Leaving all vegetation to maximize aesthetics does not comply with PRC 4291.

Rule Text Edit: no

Comment S4-1

Comment type: Overlap of criteria with prc 4291 sections. Law as same standard of first and second zone; simplicity of landowners for zones would be valuable;

BOF response: see other comment

Rule Text Edit: no

Comment S4-2

Comment type: Consistency with sb 502 looks good based on suggested BOF 12/13 comments responses.

BOF response: see other comment

Rule Text Edit: no

Comment S5-1

Comment type: Supports guidelines.

BOF response: see other comment

Rule Text Edit: no

Comment S5-2

Comment type: Term ladder fuel definition should be added.

BOF response: Board agrees.

Rule Text Edit: **See section B. edits.**

Comment S5-3

Comment type: Forest landowners association has written on subject and submits copy of those articles; please consider and add these documents to the record.

BOF response: Board has review and added to technical document list

Rule Text Edit: yes; add to ISOR

Comment S5-4

Comment type: Does not agree with comment that there is a need to eliminate closed canopy for fire safety.

BOF response: see L29-1

Rule Text Edit: no

Comment S5-5

Comment type: Suggests edit to section 1299 c) “such alternative practices may include alternative fuel modification beyond 100 feet”. This allows gaining separation vegetation for larger lots to have more spacing.

BOF response: Treatment of fuels beyond 100 ft is not authorized by PRC 4291. Forest Practice Rules permit such activities to occur 150 ft from house using an exemption and other FPR exemption and emergency notices allow lower cost regulatory solutions for landscape treatments.

Rule Text Edit: no

Comment S5-6

Comment type: Consider high local winds for necessity to have uniform to space canopy.

BOF response: Plant Spacing Guidelines are based on typical summer fire conditions (termed average severe fire weather). Effectiveness of the fuel hazard treatments under option 4a will likely result in adequate protection for flame impingement on structures and fire line intensity (heat levels in BTU/square meter) that would allow ground attack by fire engine personnel.

Rule Text Edit: no

Comment S6-1

Comment type: Guidelines should not be towards regulatory tone, need simpler wording.

BOF response: Board has evaluated wording and has made efforts to include simple language as possible. CDF educational program and inspector training will continue to interpret in simple terms the guidelines.

Rule Text Edit: yes to the extent that changes in letter 9 are aimed at providing clearer language.

Comment S6-2

Comment type: photos do not depict average properties

BOF response: BOF will continue to find photos that depict expected post treatment conditions and will add a chaparral setting. BOF finds the existing pictures are real and actual setting in California and clearly represent desired post treatment situations.

Rule Text Edit: Yes; adding Chaparral photo.

Comment S6-3

Comment type: Definitions of building or structure is not enough; does not describe in simple terms what needs to have clearing requirements. Is it only homes; what about small sheds ect.?

BOF response: BOF finds terms “dwelling” and “human occupancy” as an adequate description of the types of buildings subject to this regulation.

Rule Text Edit: no

Comment S6-4

Comment type: Definitions for fuels implies that trash can be left; this should not exclude need to clean up trash.

BOF response: Treatment of trash is not part of the PRC 4291.

Rule Text Edit: no

Comment S6-5

Comment type: Guidelines use of term flammable vegetation/ combustible growth is not defined; how is person’s garden fit in; do ornamental have to be removed?

BOF response: Term needs to be clarified. Defining of flammable vegetation includes all vegetation. While ornamental is not typically the focus on vegetation hazard reduction, some cases it may be necessary to clear some ornamentals.

Rule Text Edit: Yes see addition of definition s to section B for flammable materials.

Comment S6-6

Comment type: Stump retention is not clear; if vegetation is nearby does one have to remove.

BOF response: Generally all dead vegetation needs to be cleared. However, the Board recognizes that retaining certain “habitat elements” such as snags and own logs contribute to wildlife habitat values. When these elements are separated from other fuels so that they are not a fire hazard, retaining of them will meet both hazard reduction the goals of 1299 and habitat protection requirement. Overhanging vegetation above a downlog would generally need to be cleared to create spacing described in the *Plant Spacing Guidelines*.

Rule Text Edit: no

Comment S6-7

Comment type: What type of fire is this aiming to prevent—catastrophic or routine; issue should be aimed at structure fires going out to wildlands and firefighter safety.

BOF response: See S5-6

Rule Text Edit: possible

Comment S6-8

Comment type: Most suppression is by aerial therefore open canopy is more desirable;

BOF response: Aerial suppression is also effective by treating canopy trees. Understory treatments of veg removal act as a “retardant” and do not necessitate aerial chemical drops on the ground.

Rule Text Edit: no

Comment S7-1

Comment type: supports adoption of regulation;

BOF response: BOF appreciates support.

Rule Text Edit: no

Comment S7-2

Comment type: Voluntary compliance by non-CDF people is vital as not enough CDF staff is available; whatever bof can do to activate CDF to work with locals is very valuable for compliance.

BOF response: not related to regulation text.

Rule Text Edit: no

End